

TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on November 17, 2008.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office not later than 5:00 p.m. on November 3, 2008.

The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 134, 152.6, 462 and 2570.20 of the Business and Professions Code, and to implement, interpret, and make specific section 2570.15 of said Code, the board is considering changes to Division 39 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend section 4130.

Business and Professions Code section 2570.16 authorizes the board to set the initial license or certification and renewal fees in an amount that does not exceed a ceiling of one hundred fifty dollars (\$150) year.

16 CCR 4120(a)(1) provides that a license or certificate issued shall expire at 12 midnight on the last day of the holder's birth month during an odd year if the licensee was born in an odd year or during an even year if the licensee was born in an even year. The initial license fee shall be prorated based on the number of months of licensure which shall be calculated from the month of issuance and on the holder's birth month and birth year.

This proposal would amend 16 CCR 4130(a) to specify that the initial license or certificate fee shall be prorated based on the actual length of time for which the initial license is issued. This amendment will resolve inconsistencies with 4130(a), 4120(a) and 4120(a)(1). The duration of the initial license based on the holder's birth month and birth year, as currently stated in 4120(a)(1), will commence on the month of issuance and shall determine the proration of the initial license fee based on the biennial license fee of \$150.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has made an initial determination that the proposed regulatory action would not have a significant adverse economic impact directly affecting small businesses because the proposed regulation only pertains to the initial license or certificate fee of individual licensees.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present written statements relevant to the above determinations to the board at the address mentioned below.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons may be obtained upon request from the California Board of Occupational Therapy at 2005 Evergreen Street, Suite 2050, Sacramento, CA 95815, or from the board website at www.bot.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Jim Schenk
Address:	2005 Evergreen Street, Suite 2050 Sacramento, CA 95815
Telephone No.:	(916) 263-0849
FAX No.:	(916) 263-2701
E-mail Address:	cbot@dca.ca.gov

The backup contact person is:

Name:	Heather Martin
Address:	2005 Evergreen Street, Suite 2050 Sacramento, CA 95815
Telephone No.:	(916) 263-2294
FAX No.:	(916) 263-2701
E-mail Address:	cbot@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.bot.ca.gov.